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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland Division

JEFFREY POOLE, WINSOME P.  
CARTER, JAMES C. HOWELL,  
JEFFREY KEMP, ANDREA LOUGHLIN,  
HENRY V. M. MULTALA, ANTHONY  
PALUMBO, MARY O'REILLY,  
BURKHARD SPRING, DAVID  
BACHRACH, PETER R. GARRISON,  
ROBERT TRAITZ, EDWARD FRANCE,  
EDWARD C. REINHART, MICHAEL  
WENDLING, and RICHARD J. TESTA,  
JR., on behalf of themselves, the general  
public, and all others similarly situated,

Plaintiffs,

v.

CV No. 06-1657-HA

NOTICE OF APPEAL

MERRILL LYNCH, PIERCE, FENNER &  
SMITH INCORPORATION,

Defendant.

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Notice is hereby given that the Law Office of Christopher J. Gray, P.C., Louis F. Burke, P.C., and Lynn Tillotson Pinker & Cox, LLP in the above-named case, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the order issued by the U.S. District Court, District of Oregon entered in this action on December 8, 2010.

DATED this 7th day of January, 2011.

MILLER NASH LLP

s/ Bruce L. Campbell

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I hereby certify that I served the foregoing notice of appeal on:

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- ☒ **CM/ECF system transmission.**
- ☐ **Facsimile communication device.**
- ☒ **First-class mail, postage prepaid.**

DATED this 7<sup>th</sup> day of day of January, 2011.

s/ Bruce L. Campbell

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